

Listing of the Claims

The claims as presented by the present response are set out below and replace all previous claim listings.

1. **(currently amended)** An offer and acceptance method comprising:

 dynamically generating an initial offer for a customer including a
dynamically generated price for a product and/or service based upon the
perishability of the product and/or service; and

 pushing the offer to the a customer via a wireless mobile device.
2. **(original)** The method as in claim 1, further comprising:

 receiving a customer request for the offer.
3. **(original)** The method as in claim 1, wherein generating the offer further comprises:

 using an intelligent agent to generate the offer.
4. **(original)** The method as in claim 1, wherein generating the offer further comprises:

 generating an offer package having a plurality of options.
5. **(original)** The method as in claim 4, wherein generating the plurality of options
further comprises:

 generating the options based on customer profile.
6. **(original)** The method as in claim 4, wherein generating the plurality of options
further comprises:

 generating the options based on customer preferences.
7. **(original)** The method as in claim 4, wherein generating the plurality of options

further comprises:

generating the options based on a predicted behavior of the customer.

8. (original) The method as in claim 4, wherein generating the plurality of options further comprises:

generating the options based on a customer's perceived value.

9. (original) The method as in claim 4, wherein generating the plurality of options further comprises:

taking into consideration no-shows.

10. (previously amended) The method as in claim 1, wherein the generated offer is also based on the real-time location of the customer.

11. **Canceled.**

12. **Canceled.**

13. **Canceled.**

14. Canceled.

15. (previously presented) The method as in claim 1, wherein dynamically generating the offer comprises:

using environmental parameters.

16. (original) The method as in claim 4, further comprising:

generating a plurality of offer packages, each offer package directed to a target customer/customers.

17. (original) The method as in claim 4, further comprising:
- receiving a customer's selection; and
 - updating a customer profile based on the selection.
18. (original) The method as in claim 1, further comprising:
- negotiating the offer with a customer's intelligent agent.
19. **(currently amended)** An offer and acceptance apparatus comprising:
- means for dynamically generating an initial offer for a customer including a dynamically generated price for a product and/or service based upon the perishability of the product and/or service; and
 - means for pushing the offer to a customer via a wireless mobile device.
20. (original) The apparatus as in claim 19, further comprising:
- means for a customer to request the offer.
21. **Canceled.**
22. (previously presented) The apparatus as in claim 19, wherein the generated offer is also based on the real-time location of the customer.
23. (original) The apparatus as in claim 19 further comprising means to transmit the offer to the customer.
24. (original) The apparatus as in claim 19, further comprising:
- means for the customer to negotiate the offer.
- 25-43. Cancel.

44. **(currently amended)** A server comprising:

 ~~having~~ one or more programs operational thereon and ~~for performing all or~~
 ~~a portion of an offer and acceptance method, the method comprising:~~
 dynamically generating an initial offer for a customer including a
 dynamically generated price for a product and/or service based upon the
 perishability of the product and/or service; and pushing the offer to a
 customer via a wireless handheld device.
45. **(currently amended)** The server as in claim 44, wherein the one or more programs
are also operational for ~~method further comprises:~~ receiving a customer request for
the offer.
46. **(currently amended)** The server as in claim 44, further comprising operational
agents for ~~wherein generating the offer further comprises: using an intelligent agent~~
~~to generate the offer.~~
47. **(currently amended)** The server as in claim 44, wherein generating the offer
further includes ~~comprises:~~ generating an offer package having a plurality of
options.
48. **(currently amended)** The server as in claim 47, wherein generating the plurality
of options further includes ~~comprises:~~ generating the options based on customer
profile.
49. **(currently amended)** The server as in claim 47, wherein generating the plurality
of options further includes ~~comprises:~~ generating the options based on customer
preferences.
50. **(currently amended)** The server as in claim 47, wherein generating the plurality
of options further includes ~~comprises:~~ generating the options based on a predicted
behavior of the customer.

51. **(currently amended)** The server as in claim 47, wherein generating the plurality of options further includes ~~comprises~~ generating the options based on a customer's perceived value.
52. **(currently amended)** The server as in claim 47, wherein generating the plurality of options further includes ~~comprises~~ taking into consideration no-shows.
53. **Canceled.**
54. **Canceled.**
55. **Canceled.**
56. **(currently amended)** The server as in claim 44, wherein dynamically generating the offer includes ~~comprises~~ using environmental parameters.
57. **(currently amended)** The server as in claim 47, wherein the method also includes ~~further comprises~~ generating a plurality of offer packages, each offer package directed to a target customer/customers.
58. **(currently amended)** The server as in claim 47, wherein the one or more programs are operational for method ~~further comprises~~ receiving a customer's selection; and updating a customer profile based on the selection.
59. **(currently amended)** The server as in claim 44, wherein the one or more programs are operational for method ~~further comprises~~ negotiating the offer with a customer's intelligent agent.